IN THE CLAIMS

Please add new claim 92 and amend claims 1, 49, 53, 54, 55, 58, 61 and 64-67 as indicated in the following list of pending claims.

PENDING CLAIMS

1. (Currently Amended) A medical device for localization of target tissue comprising:

[[a]] an elongated shaft ~~having~~ which has a distal ~~end~~ shaft portion with a distal tip[[,]] and a proximal ~~end defining a proximal direction, and a side, said distal end having a distal tip, said shaft~~ shaft portion and which is ~~being~~ configured for placement of ~~said~~ the distal ~~end~~ shaft portion into a patient's body tissue at a desired location;

a ~~distal~~ tissue penetrating cutting element disposed on said distal tip; and

a fixation element which has a free end configured to secure the distal shaft portion within target tissue and which ~~is disposed on said~~ has another end secured to the distal [[end]] shaft portion at a location proximal of said distal tip[[,]] ~~and which is configured for securing the distal end of said medical device within target tissue at said desired location~~.

2-48. (Canceled)

49. (Currently Amended) The medical device of claim 1, wherein said ~~distal~~ tissue penetrating cutting element is an electrosurgical cutting element.

50-51. (Canceled)

52. (Previously added) The medical device of claim 1, wherein said fixation element is configured for penetrating tissue.

53. (Currently Amended) The medical device of claim 1, wherein said fixation element comprises at least one radially extendable and retractable member which is radially extendable and retractable from a side of the distal end of the shaft[[,]] ~~said member having a free end and being configured for securing the distal end of the shaft adjacent target tissue~~.

54. (Currently Amended) The medical device of claim 53, wherein said fixation element comprises a plurality of radially extendable and retractable members which are radially extendable and retractable from a side of the distal ~~end~~ portion of the shaft[[,]] ~~said members having free ends and being configured for securing the distal end of the shaft adjacent target tissue~~.

55. (Currently Amended) A method of performing a medical procedure, comprising:

a) providing a medical device comprising a shaft having a distal ~~end~~ portion with a distal tip, a proximal ~~end~~ portion, a fixation element which has a free end and which is ~~spaced~~ secured to the shaft at a location proximal to the distal tip[[,]] and a ~~distal~~ tissue penetrating cutting element disposed on said distal tip,

b) placing the distal ~~end~~ portion of the shaft in body tissue within a patient's body, so that the distal end is disposed within target tissue; and

c) extending into the target tissue the free end of the fixation element ~~from a side of the shaft spaced proximal to the distal tip~~[[,]] so that the ~~free end engages~~

~~target tissue and the~~ distal ~~end~~ portion of the shaft becomes secured within the target tissue.

56. (Previously added) The method of claim 55, wherein said fixation element comprises at least one radially extendable and retractable member.

57. (Previously Added) The method of claim 55, wherein said fixation element comprises a plurality of radially extendable and retractable members.

58. (Currently Amended) A method of performing a medical procedure, comprising:

a) providing a medical device comprising a shaft having a distal ~~end~~ portion with a distal tip, a ~~distal~~ tissue penetrating cutting element disposed on ~~said~~ the distal tip, a proximal ~~end~~ portion, a fixation element which has a free end and which is secured to the shaft at a location spaced proximal to the distal tip,

b) cutting through tissue of a patient's body with ~~said distal~~ the tissue penetrating cutting element;

c) placing the distal ~~end~~ portion of the shaft in body tissue within a patient's body, so that the distal ~~end~~ portion is disposed adjacent target tissue; and

d) radially extending into the target tissue [[a]] the free end of the fixation element ~~from a side of the shaft spaced proximal to the distal end, said member having a free end configured for engaging tissue,~~ so that the distal ~~end~~ portion of the shaft becomes secured adjacent the target tissue.

59. (Previously added) The method of claim 58, wherein said fixation element comprises at least on radially extendable and retractable member.

60. (Previously added) The m thod of claim 58, wherein said fixation element comprises a plurality of radially extendable and retractable members.

61. (Currently Amended) The method of claim 58, wherein ~~said distal~~ the tissue penetrating cutting element is an electrosurgical cutting element.

62. (Previously added) The method of claim 58, wherein said cutting step comprises cutting target tissue.

63. (Previously added) The method of claim 58, wherein said cutting step comprises cutting through target tissue.

64. (Currently Amended) The method of claim 63, wherein said placing step comprises placing the distal ~~end~~ portion of the shaft in a patient's body so that the distal ~~end~~ portion is disposed adjacent and distal to target tissue.

65. (Currently Amended) A method for acquiring a tissue specimen from target tissue, comprising:

a) providing a tissue acquisition device having a shaft with a distal end with a distal tip, a proximal end, a distal cutting element disposed on said distal tip, a fixation element which has a free end configured to engage target tissue and which is secured to the shaft at a location spaced proximally from the distal tip ~~and having a free end~~;

b) placing the distal end of the shaft in target tissue within a patient's body, so that the distal tip is disposed distally adjacent the target tissue;

c) securing the distal end of the shaft within the target tissue by extending into the target tissue the free end of the fixation element; and

d) acquiring a tissue specimen of target tissu .

66. (Currently Amended) The method of claim 65, wherein the step of securing the distal end of the shaft comprises radially extending at least one ~~radially extendable and retractable~~ fixation member from ~~a side of~~ the shaft ~~spaced proximal to the distal end~~.

67. (Currently Amended) The method of claim 66, wherein the step of securing the distal end of the shaft comprises extending a plurality of ~~radially extendable and retractable~~ fixation members from a ~~side of~~ from a location on the shaft spaced proximal to the distal end.

68. (Allowed) A medical device for localization of target tissue comprising:

a shaft having a distal end with a distal tip, and being configured for placement of said distal end into a patient's body tissue at a desired location within target tissue;

a radially expandable side-cutting element which has an expanded configuration for cutting a tissue sample from target tissue and which is disposed on said shaft proximal of said distal tip; and

a fixation element which has a free end, which is disposed on said distal end of the shaft proximal of said distal tip and which is configured for securing the distal end of said medical device within target tissue at said desired location.

69. (Allowed) The medical device of claim 68, wherein said radially expandable side-cutting element is an electrosurgical cutting element.

70. (Allowed) The medical device of claim 68, wherein said fixation element is configured for p netrating target tissue.

71. (Allowed) The medical device of claim 68, wherein said fixation element comprises at least one radially extendable and retractable member.

72. (Allowed) The medical device of claim 71, wherein said fixation element comprises a plurality of radially extendable and retractable members which have free ends configured for securing the distal end of the shaft within target tissue.

73. (Allowed) A method of performing a medical procedure, comprising:

a) providing a medical device comprising a shaft having a distal end with a distal tip, a fixation element which has a free end and which is disposed proximal to the distal tip, and a radially expandable side-cutting element configured for cutting a tissue sample and disposed on said shaft proximal of said distal tip;

b) advancing the distal end of the shaft within a patient's body, so that the distal end is disposed within target tissue; and

c) extending into the target tissue the free end of the fixation element so that the distal end of the shaft becomes secured within the target tissue.

74. (Allowed) The method of claim 73, wherein said fixation element comprises at least one radially extendable and retractable member.

75. (Allowed) The method of claim 73, wherein said fixation element comprises a plurality of radially extendable and retractable members.

76. (Allowed) A method for acquiring a specimen of target tissue, comprising:

a) providing a tissu acquisition device comprising a shaft having a distal end with a distal tip, a fixation element which has a free end and which is spaced proximal to the distal tip, and a radially expandable side-cutting element configured for cutting a tissue specimen and disposed on said shaft proximal of said distal tip;

b) advancing the distal end of the shaft in body tissue within a patient's body, so that the distal end is disposed within the target tissue;

c) securing the distal end of the shaft within the target tissue by extending into the target tissue the free end of the fixation element configured for engaging tissue; and

d) cutting tissue with said radially expandable side-cutting element effective to separate one or more tissue specimens of target tissue.

77. (Allowed) The method of claim 76, wherein the step of securing the distal end of the shaft comprises extending at least one radially extendable and retractable member from a side of the shaft spaced proximal to the distal end.

78. (Allowed) The method of claim 77, wherein the step of securing the distal end of the shaft comprises extending a plurality of radially extendable and retractable members from a side of the shaft spaced proximal to the distal end.

79. (Allowed) A medical device for localization of target tissue comprising:

a shaft having a distal end with a distal tip, and being configured for placement of said distal end into a patient's body at a desired location;

a distal cutting element disposed on said distal tip;

a radially expandable side-cutting element configured for cutting a tissu sample from target tissue and disposed on said shaft proximal of said distal tip; and

a fixation element which has a free end, which is disposed on said distal end proximal of said distal tip and which is configured for securing the distal end of said medical device within target tissue at said desired location.

80. (Allowed) The medical device of claim 79, wherein said radially expandable side-cutting element is an electrosurgical cutting element.

81. (Allowed) The medical device of claim 79, wherein said distal cutting element is an electrosurgical cutting element.

82. (Allowed) The medical device of claim 79, wherein said fixation element is configured for penetrating tissue.

83. (Allowed) The medical device of claim 79, wherein said fixation element comprises at least one radially extendable and retractable member.

84. (Allowed) The medical device of claim 83, wherein said fixation element comprises a plurality of radially extendable and retractable members which are radially extendable and retractable from a side of the distal end of the shaft, said members having free ends and being configured for securing the distal end of the shaft adjacent target tissue.

85. (Allowed) A method of performing a medical procedure, comprising

a) providing a medical device comprising a shaft having a distal end with a distal tip, a distal cutting element on the distal tip, a radially expandable side-cutting

element configured for cutting a tissue sample and disposed on said shaft proximal of said distal tip, and a fixation element which has a free end, which is spaced proximal to the distal tip and which is configured for engaging tissue,

b) advancing the medical device within a patient's body while cutting through tissue with said distal cutting element until the distal end of the shaft is disposed within target tissue; and

c) extending into the target tissue the free end of the fixation element so that the distal end of the shaft becomes secured within the target tissue.

86. (Allowed) The method of claim 85, wherein said fixation element comprises at least one radially extendable and retractable member.

87. (Allowed) The method of claim 86, wherein said fixation element comprises a plurality of radially extendable and retractable members.

88. (Allowed) The method of claim 85, wherein said distal cutting element is an electrosurgical cutting element.

89. (Allowed) The method of claim 85, wherein said cutting step comprises cutting target tissue.

90. (Allowed) The method of claim 85, wherein said cutting step comprises cutting through target tissue.

91. (Allowed) The method of claim 90, wherein said placing step comprises placing the distal end of the shaft in a patient's body so that the distal tip of the distal end is disposed adjacent and distal to target tissue.

92. (New) A medical device for localization of targ t tissue comprising:

a. an elongated shaft which has a distal portion with a distal tip and a proximal portion and which is configured for placement of the distal portion into a patient's body tissue at a desired location;

b. a tissue penetrating cutting element disposed on the distal tip; and

c. a plurality of fixation elements which have free ends configured to engage target tissue, at least one of the free ends being oriented in a proximal direction and at least one of the free ends being oriented in a distal direction and which are secured to the distal portion at locations proximal of the distal tip.